IN THE HIGH COURT OF GUJARAT AT AHMEDABAD.

SPECIAL CIVIL APPLICATION No 8991 of 2000

For Approval and Signature :

Hon'ble MR. JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the Judgment ?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the Judgment ?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

DR SEJAL C RESHAMWALA

VERSUS

STATE OF GUJARAT

Appearance:

MR BP TANNA with MR NIKHIL KARIEL for Petitioner

MR HC PATEL for Respondents

CORAM : MR JUSTICE S.K. KESHOTE

Date of Decision : 20/12/2000

C.A.V. JUDGMENT

1. The petitioner, an Assistant Professor in Surgery (since terminated), Government Medical College, Surat, by this petition under Article 226 of the

Constitution is challenging the order dated 10th August, 2000 passed by the Dean, Government Medical College, Surat, annexure `B' under which she was relieved from the post of Assistant Professor. This order has been passed in pursuance to the order of Commissioner of Medical Education & Research, Gandhinagar under which her services were terminated. The order of termination of the services of the petitioner is also there on the record of this petition at page No.25. It is an innocuous order and in fact a simpliciter termination of the services of a temporary officer. The petitioner was appointed purely on temporary and adhoc basis as Assistant Professor in Government Medical College for a period of six months or till post is filled in or till further orders, whichever is earlier. The appointment was subject to many conditions and one of important conditions was that her services being purely on adhoc and temporary basis is liable to be terminated at any time.

2. Learned counsel for the petitioner contended that this order of termination of the services of the petitioner is a stigmatic and second by way of penalty. In this respect reference has been made to the fact that though the petitioner has not been specifically named in the F.I.R. but as her name appears in A.C.B. case along with some other Doctor her services have been brought to an end.

3. I do not find any merits in this contention. The order of termination of services of the petitioner is an innocuous order and a simpliciter termination of a temporary officer. Merely because copy of this order has been sent to A.C.B. it cannot be taken to be a case of stigmatic order or termination of the petitioner by way of penalty. It is not necessary for the respondents to give any notice or an opportunity of hearing to the petitioner before terminating her services. The petitioner was given purely temporary appointment and that was a fixed term appointment. Otherwise also, this appointment would have come to an end by efflux of time. The petitioner has no right to continue in the services beyond the period for which appointment has been given. She can continue in service in case her term of appointment has been extended. So after six months term, otherwise also, her appointment would have come to an end. In the facts of this case, the respondents were not required to extend her appointment. Be that as it may. Otherwise also, no interference is called for in this petition for the reason that her services are liable to be terminated at any time as it was only an

adhoc and temporary appointment. The termination has been effected in terms of specific condition of the appointment of the petitioner to which no exception can be made. Lastly, the appointment of the petitioner otherwise also could not be continued beyond six months and this is another ground on which no relief can be granted.

4. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. No order as to costs.

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zgs/-